

U.S. Patent Application Serial No. 10/658,743  
Response filed September 30, 2005  
Reply to OA dated July 12, 2005

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended): Construction machinery comprising:

an engine;

a hydraulic pump driven by the engine; and

an actuator driven by a ~~pressure~~ oil pressure supplied from the hydraulic pump; wherein

in a case of a load mode where an engine torque at an intersection point of an iso-horsepower curve of a necessary horsepower and a governor characteristic curve of the engine is ~~smaller~~ less than that of a ~~rating~~ rated output point of the engine, the number of revolutions of the engine is reduced and the engine torque is increased with reference to the intersection point, and the engine is allowed to run with a horsepower exceeding the iso-horsepower, and ~~by~~ with use of a surplus torque generated therefrom, a power generator is operated so as to generate an electric power, which is accumulated in a power accumulation apparatus.

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2. (Currently Amended): The construction machinery as claimed in claim 1, wherein  
in a case of a load mode where the iso-horsepower curve of the necessary horsepower and  
the governor characteristic curve of the engine do not generate an intersection point, the engine is  
driven at a point approximate to the rating rated output point while the power generator functioning  
as an electric motor is operated by the power accumulation apparatus so that assist running for  
assisting providing a torque shortage is performed.

3. (Currently Amended): The construction machinery as claimed in claim 1 or 2,  
wherein  
the power accumulation is performed by the power generator with at the number of  
revolutions by at which the power generator is ~~to be~~ in a high efficiency state.

4. (Currently Amended): The construction machinery as claimed in claim 1 or 2, wherein  
~~the~~ assist running is performed by the power generator with at the number of revolutions by  
at which the power generator functioning as an electric motor is ~~to be~~ in a high efficiency state.